# UNITED STATES DISTRICT COURT

for the

Eastern District of New York

Marco Guaillas, on behalf of himself and others similarly situated in the proposed FLSA Collective Action,	) ) )
Plaintiff(s)	)
V.	) Civil Action No. 1:22-cv-07059
Los Gatos 2 New & Used Tires, Corp., and Rigoberto Fuentes Vargas,	) ) )
Defendant(s)	)

### **SUMMONS IN A CIVIL ACTION**

To: (Defendant's name and address) See Rider Attached.

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are: Levin-Epstein & Associates, P.C.

60 East 42nd Street, Suite 4700 New York, New York 10165

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 11/21/2022

Brenna B. Mahoney

CLERK OF COURT

/s/Shirley Ramos

Signature of Clerk or Deputy Clerk

Civil Action No. 1:22-cv-07059

### PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (1))

was re	This summons for (no ceived by me on (date)	ame of individual and title, if an			
		d the summons on the ind	ividual at (place)		
			on (date)	; or	
	☐ I left the summons	ence or usual place of abode with (name)	1 (name)		
	, a person of suitable age and discretion who resides there,				
	on (date), and mailed a copy to the individual's last known address; or				
	☐ I served the summons on (name of individual)				
	designated by law to accept service of process on behalf of (name of organization)				
			on (date)	; or	
	☐ I returned the sum	nmons unexecuted because	e	; or	
	☐ Other (specify):				
	My fees are \$	for travel and \$	for services, for a total of	\$ 0.00	
	I declare under penal	ty of perjury that this info	ormation is true.		
Date:		_			
			Server's signature		
		_	Printed name and title		
		_	Server's address		

Additional information regarding attempted service, etc:

Print Save As... Reset

# LEVIN-EPSTEIN & ASSOCIATES, P.C.

60 East 42<sup>nd</sup> Street • Suite 4700 • New York, New York 10165 T: 212.792-0046 • E: <u>Joshua@levinepstein.com</u>

## **RIDER**

Los Gatos 2 New & Used Tires, Corp. 87-88 Van Wyck Expy, Richmond Hill, NY 11418

Rigoberto Fuentes Vargas 87-88 Van Wyck Expy, Richmond Hill, NY 11418